

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT EDWARD TIRAN,

Petitioner,

v.

CASE NO. 2:09-CV-14807
HONORABLE MARIANNE O. BATTANI
UNITED STATES DISTRICT COURT

BLAINE C. LAFLER,

Respondent,

_____ /

**OPINION AND ORDER DENYING
THE MOTION FOR ORAL ARGUMENT**

On December 10, 2009, petitioner filed an application for writ of habeas corpus with this Court pursuant to 28 U.S.C. § 2254. Before the Court is petitioner's motion for oral argument. For the reasons stated below, the motion for oral argument is **DENIED WITHOUT PREJUDICE**.

A federal district court does not abuse its discretion in denying oral argument on a habeas petition where a brief has been filed and there is no claim that the habeas petitioner's contentions were not fully set forth in the brief. See *United States ex. rel. Darrah v. Brierley*, 415 F. 2d 9, 12 (3rd Cir. 1969). Because petitioner's brief in support of his petition for writ of habeas corpus extensively covers the issues before this Court, no oral argument appears necessary. See *United States ex. rel. Garrett v. Anderson*, 391 F. Supp. 174, 176 (D. Del. 1975).

Petitioner's motion will be reconsidered if, following review of the responsive pleadings and Rule 5 materials, the Court determines that oral argument is necessary.

ORDER

Based upon the foregoing, the motion for oral argument [Dkt. # 11] is **DENIED WITHOUT PREJUDICE.**

s/Marianne O. Battani
HON. MARIANNE O. BATTANI
UNITED STATES DISTRICT COURT

DATED: September 17, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon the Petitioner via ordinary U.S. Mail and to the Respondent electronically.

s/Bernadette M. Thebolt
Case Manager